

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH WAREHAM,	)	
	)	Civil Action No. 2: 13-cv-0188
Plaintiff,	)	
	)	United States District Judge
v.	)	Arthur J. Schwab
	)	
PENNSYLVANIA DEPARTMENT OF	)	United States Magistrate Judge
CORRECTIONS, et al.,	)	Cynthia Reed Eddy
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Defendants Susan Berrier, Eric Armel, Pennsylvania of Corrections, Lori Kwisnek, and Joseph Mazurkiewicz filed a Motion for Summary Judgment (Document No. 84). On June 23, 2014, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 101) recommending that summary judgment be granted as to Plaintiff's Eighth and Fourteenth Amendment claims and denied as to Plaintiff's American With Disabilities claim. The parties were served with the Report and Recommendation and advised that they had until July 10, 2014, to file written objections to the Report and Recommendation. To date, no objections have been filed nor have any requests for an extension of time in which to file objections been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 14th day of July, 2014:

1. The Motion for Summary Judgment filed by Defendants Susan Berrier, Eric Armel, Pennsylvania of Corrections, Lori Kwisnek, and Joseph Mazurkiewicz filed a Motion for Summary Judgment (Document No. 84) is **GRANTED** in part and **DENIED** as follows:

Summary judgment is GRANTED as to Plaintiff's Eighth and Fourteenth Amendment and DENIED as to Plaintiff's Americans With Disabilities claim.

2. **IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 101) dated June 23, 2014, is **ADOPTED** as the Opinion of the Court.

So **ORDERED** this 15th day of July, 2014:

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: JOSEPH WAREHAM  
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